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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,570	05/01/2001	Scott C. Harris	LOGIN-RENEWAL/SCI	6749
23844	7590	05/16/2005	EXAMINER	
SCOTT C HARRIS P O BOX 927649 SAN DIEGO, CA 92192			NGUYEN, MINH DIEU T	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/681,570	HARRIS, SCOTT C.
	Examiner Minh Dieu Nguyen	Art Unit 2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) 2,15 and 17 is/are withdrawn from consideration.
- 5) Claim(s) 7 and 18 is/are allowed.
- 6) Claim(s) 1,3-4, 6 and 8-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 16 and 19-21 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated July 7, 2004 with the amendments to claims 1, 3-4, 7-8, 16, 18 and the cancellation of claims 2, 15 and 17. Claims 1-21 are pending; claims 16 and 19-21 are subject to restriction.

Election/Restrictions

2. Applicant's election with traverse of group II in the reply filed on February 10, 2005 is acknowledged. This is found not persuasive because claim 6 is not a linking claim, it does not contain the same limitations as claim 16.

The restriction of claims 16 and 19-21 are maintained and the reasons were given in the last office action.

3. This application contains claims 16 and 19-21 are drawn to an invention nonelected with traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

4. Applicant's argument regarding Murphy's prior art teaching absolute measurement, not relative is not persuasive. Examiner maintains that Murphy discloses relative measurement (col. 8, lines 1-6). Murphy discloses SATPS system like standard

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GPS which estimates the object range and object location coordinates, and that is relative measurement.

5. Applicant's arguments on the combination of Murphy and Guthrie in terms of using login scheme (Guthrie) with region specific operation (Murphy) is not persuasive. Guthrie discloses a personal authentication system to authenticate users before authorizing access to resources on server. Murphy discloses "authorized receiver" including decryption chip (col. 7, lines 26-37), that indicates receiver (i.e. decryption chip) is already pre-authenticated, however the details of authentication process is not disclosed in Murphy, therefore Guthrie is combined to meet claimed limitations.

Claim Objections

6. Claim 6 is objected to because of the following informalities:

Claim 6 depends on the cancelled claim 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said specified threshold" lacks antecedent basis.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, 6, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (6,317,500) in view of Guthrie et al. (6,161,185).

a) As to claim 1, Murphy teaches a system comprising a computer peripheral, detecting information about a first surrounding of the computer; controls access to the computer based on the identify and the first surrounding (Fig. 1); and wherein the computer determines a first surrounding at a time of user identification, and maintains the computer unlocked while the computer is within the first surrounding, and causes the computer to lock when the computer is detected to have moved from the first surrounding by a predetermined and relative amount (col. 6, lines 45-56; col. 7, line 56 to col. 8, line 28).

However, Murphy does not disclose a computer running a routine which allows a user to identify themselves to the computer.

Guthrie discloses a computer running a routine which allows a user to identify themselves to the computer (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of running a routine which allows a user to identify themselves to the computer in the system of Murphy, as Guthrie teaches so as to deter

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an unauthorized user from attempting to gain access to secure information (col. 8, lines 24-30).

- b) As to claims 3 and 9, Murphy discloses a system wherein the surrounding is a physical location of the computer, as detected by an automatic position location device (col. 7, line 56 to col. 8, line 8).
- c) As to claims 6 and 13, Guthrie discloses a system comprising a failure processing routine, which processes failures in login by increasing security for each of a plurality of times when a login fails (col. 8, lines 18-30).

11. Claims 4-5, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (6,317,500) in view of Guthrie et al. (6,161,185) and further in view of Murphy et al. (5,799,082).

Murphy and Guthrie disclose a system as in claim 1, however they do not teach the surrounding includes a view that is seen by the computer and the view includes an image of a user.

Murphy et al. (5,799,082) disclose the surrounding includes a view that is seen by the computer (col. 7, line 57 to col. 8, line 20) and the view includes an image of a user (col. 7, lines 49-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of image authentication in the system of Murphy and Guthrie, as Murphy et al. (5,799,082) teaches so as to provide a way of authenticating

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an authorized user, which helps preventing the possibility of electronic mischief and the corruption of information (col. 1, lines 24-57).

12. Claims 8, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (6,317,500) in view of Guthrie et al. (6,161,185) and further in view of Jones (5,289,540).

a) As to claim 8, Murphy discloses a method comprising determining surroundings information (Fig. 1), including first surroundings information associated with the first security operation, and the second surroundings information at times subsequent to the first surroundings information and allowing continued access to resources of the computer only so long as the second surroundings information does not differ from the first surroundings information by more than a specified relative amount of distance (col. 6, lines 45-56; col. 7, line 56 to col. 8, line 28).

Murphy does not teach a step of carrying out a first security operation which allows a user to obtain access to resources of the computer.

Guthrie discloses a step of authenticating users before allowing users to access resources on server (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of running a routine which allows a user to identify themselves to the computer in the system of Murphy, as Guthrie teaches so as to deter an unauthorized user from attempting to gain access to secure information (col. 8, lines 24-30).

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Murphy and Guthrie do not disclose requiring a new security operation to obtain the access to resources if the second surroundings information differs from the first surroundings information by more than the specified amount.

Jones discloses requiring a new security operation to obtain the access to resources (col. 9, lines 52-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of requiring a new security operation to obtain access to resources in the system of Murphy and Guthrie, as Jones teaches so as to be able to continue accessing resources with another level of security operation.

- b) As to claim 11, Murphy discloses determining a difference between the first and second surroundings information, determining a distance between the physical locations indicated by the first and second surroundings information, determining if the distance is greater than a predetermined threshold, and allowing continued access only when the distance is not greater than the predetermined threshold (col. 6 ,lines 46-56).
- c) As to claim 14, Guthrie discloses the increased aspect of security includes entry of secret personal information (col. 7, lines 49-51; line 64 to col. 8, line 6).

Allowable Subject Matter

13. Claims 7 and 18 are allowed.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
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mdn
5/12/05

Andrew Caldwell

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**